

EXHIBIT “1”

Eric P. Tosca

From: Cory H. Morris, Attorney <Cory.H.Morris@protonmail.com>
Sent: Tuesday, June 22, 2021 9:38 PM
To: Eric P. Tosca; vyannacone@yannalaw.com
Subject: Re: Lepper v. Village of Babylon

TimeMattersID: MD090AD6C46E1201
TM Contact: GLATFELTER CLAIMS MANAGEMENT, INC.
TM Matter No: 148530-752
TM Matter Reference: LEPPER, JOHN VS. VILLAGE OF BABYLON

We have notified you on a number of occasions about the change in our mailing address to 135 Pinelawn Rd., Melville, NY 11747.

Nevertheless, you continue to send mail to our former address and then complain that we have not responded. Most recently you tell us by email that we have not responded to a motion which you have not yet filed.

You did not attach a copy even as a professional courtesy.

Nevertheless, if you will forward us a copy of your motion as an email attachment, we will respond appropriately.

Sent from ProtonMail mobile

----- Original Message -----

On Jun 22, 2021, 1:52 PM, Eric P. Tosca <eptosca@krklaw.com> wrote:

I could not file the motion pursuant to court rules. I need to serve the motion, which we did on your office by mail. You need to serve opposition. Once I reply then the motion is bundled and I need to then electronically file.

From: Cory H. Morris, Attorney <Cory.H.Morris@protonmail.com>
Sent: Tuesday, June 22, 2021 1:49 PM
To: Eric P. Tosca <eptosca@krklaw.com>; Victor John Yannacone jr <vyannacone@yannalaw.com>
Subject: Re: Lepper v. Village of Babylon

I see/have no such motion by Defendants. Please identify the docket entry to which you are referring.

Sent from ProtonMail mobile

----- Original Message -----

On Jun 22, 2021, 1:35 PM, Eric P. Tosca <eptosca@krklaw.com> wrote:

I have not received opposition to our motion for preliminary relief.

Please advise if you have served opposition to the motion.

Eric P. Tosca

From: Jennifer LoMonaco
Sent: Wednesday, June 23, 2021 9:10 AM
To: Cory H. Morris, Attorney
Cc: Eric P. Tosca
Subject: LEPPER, JOHN VS. VILLAGE OF BABYLON (148530-752)
Attachments: Mailed - NOM, MOL, TOC, TOA, Exhibits A to H .pdf

Good Morning Mr. Morris:

Please see a courtesy copy of the attached Motion.

Kindly confirm receipt.

Thank you.

Jennifer LoMonaco
Paralegal
KELLY, RODE & KELLY, LLP
Counsellors at Law
330 Old Country Road, Suite 305
Mineola, NY 11501
Telephone No.: 516-739-0400
Facsimile No.: 516-739-0434
E-Mail: jlomonaco@krklaw.com

Eric P. Tosca

From: Cory H. Morris, Attorney <Cory.H.Morris@protonmail.com>
Sent: Monday, June 28, 2021 2:27 PM
To: Eric P. Tosca; Peter D. Garone; Shannon Fillmore; Jennifer LoMonaco; Thomas G. Schumm; Joanne Heaphy
Subject: Lepper et al v. Village of Babylon et al. 1/2
Attachments: X_17_August 14 2018 Letter.pdf; X_20_20191231_Appellate Term of the Supreme Court.pdf; X_18_October 18 2018 Letter.pdf; X_23_20181024_Letter from Congressmember Peter King.pdf; X_21_Exhibit - Letter from the Mayor about Treehouses and Other Thing.pdf; X_15_20180521 _ Notice of Violation.pdf; X_19_20181019_Fellman Removal Letter-1.pdf; X_14_Village Code_§365-26.pdf; X_9_250 Fire Island Avnue.pdf; X_12_20200618 _ Exhibit - 63 Wyandanch Treehouse.pdf; X_16_Meeting Minutes.pdf; X_22_20181024_CongressmanPeterKing_help for Tree House Permit.pdf; X_24_MARKED CERTIFICATION DOCS FROM JAMES R. BROWN ENGINEER RE TREEHOUSE-PDG (1).pdf; X_11_99 Park Avenue FOIL.pdf; X_13_20201221 _ Lepper FOIL Response - 63 Wyandanch.pdf; X_10_Fire Island Pictures.pdf; X_25_Lepper - BROWN Depo red.pdf

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Sent with [ProtonMail](#) Secure Email.

Eric P. Tosca

From: Cory H. Morris, Attorney <Cory.H.Morris@protonmail.com>
Sent: Monday, June 28, 2021 2:27 PM
To: Eric P. Tosca; Joanne Heaphy; Peter D. Garone; Shannon Fillmore; Jennifer LoMonaco; Thomas G. Schumm
Subject: Lepper et al v. Village of Babylon et al. 2/2
Attachments: X_2_20180510_Fellman notice.pdf; X_3_20180517_Pltf Building Permit Application.pdf; X_4_20180521_Lepper Permit Application.pdf; Lepper - Declaration.pdf; X_7_ JAMES BROWN LEtter.pdf; X_1_20161118_Bauldauf Treehouse.pdf; X_5_20181119 _propLine_Wampum.pdf; Lepper - MOL.pdf; Lepper - AFF FINAL.pdf; X_6_20181119 _propLine_closeup.pdf; X_8_ JAMES BROWN Notes.pdf

Attached are Plaintiffs' documents, Plaintiffs' Memorandum of Law, Plaintiffs' Declaration, Exhibits and Plaintiffs Affidavit in Support, in response to Defendants' Motion for Preliminary Relief which you never served electronically as agreed at the Rule 26 Conference but mailed to my former address.

This e-mail (including any attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§2510-2521. It is confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution or copying of this communication is strictly prohibited. Please reply to the sender that you have received this message in error, and then delete it. Thank you.

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